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EXAMINER

WASSUM, LUKE S

ART UNIT PAPER NUMBER

2167

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/932,004

**Applicant(s)**

NEECE ET AL.

**Examiner**

Luke S. Wassum

**Art Unit**

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. The Applicants' amendment, filed 10 June 2004, has been received, entered into the record and considered.
2. As a result of the amendment, claims 1, 4 and 7-12 have been amended. Claims 1-12 remain pending in the application.

### *The Invention*

3. The claimed invention is a system for facilitating the hiring process, including searchable databases for job openings and positions.

### *Specification*

4. In view of the amendment to the specification, the examiner withdraws the pending objection.

### *Claim Objections*

5. Claim 10 is objected to because of the following informalities:  
  
In the last limitation, 'said data management system' should be 'said *database* management system'. Appropriate correction is required.
6. Claim 12 is objected to because of the following informalities:

The term 'steps' should be 'step', since 'updating routinely the information compiles on hiring practices within a hiring environment' is a single step. Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Regarding claim 1, the last limitation claims "...said first interactive database query engine is a company database...". However, a query engine cannot also be a database.

10. Claims 2-9, incorporating the deficiencies of their parent claim 1, are likewise rejected.

11. Regarding claim 4, the description of 'key fields' renders the claim indefinite.

In the database art, a key field is a field which has been indexed in order to improve performance when retrieving records from a specific database table. For instance, in a database containing personnel records, where database searches by last name are common, designating the last name a key field would speed such searches. Similarly, in a database of machine parts, a search

would most likely be by part number, so designating the part number field as a key field would also aid in searching.

Claim 4 cites that human resource and hiring records contain a plurality of search key fields. This limitation is proper, as searches can be performed by multiple search criteria and such searches can be made more efficient through the designation of multiple key fields.

However, the limitation that each key field consists of "a selection criteria, data on coordination of interviews, data on preparation of questions, data on feedback from interviewers and data on candidate evaluations" is inconsistent with the normal use of the term 'key field' in the database art, thus rendering the claim indefinite.

12. Claim 6, incorporating the deficiencies of parent claim 4, is likewise rejected.

13. Claim 7 recites the limitation "said means for searching key fields" in line 1. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 9 recites the limitation "said means for searching key fields" in line 3. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 12 recites the limitation "the information compiled on hiring practices" in line 3. There is insufficient antecedent basis for this limitation in the claim.

16. Further regarding claim 12, the claim is rendered indefinite, because "updating information on hiring practices" is inconsistent with the 'comprising' clause of "defining a position, coordinating

the interview teams, organizing the interview questions, evaluating the candidates, reviewing the candidate evaluations and making customized hiring choices".

*Claim Rejections - 35 USC § 102*

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18. Claims 1 and 3-12 are rejected under 35 U.S.C. 102(e) as being anticipated by **Stimac** (U.S. Patent Application Publication 2003/0071852).

19. Regarding claim 1, **Stimac** teaches a computer readable medium of instructions configured as a multiple database information exchange and hiring system used in network operations as claimed, said system comprising:

- a) a first database of information pertaining to a job opening or demand-side needs of a company, stored in electronically readable memory (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]; see also Figure 30A);
- b) a second database of information on positions, interview teams, questions to evaluate candidates by skills, experience or personal profiles related to the job opening (see disclosure of positions information at paragraphs [0127] and [0128] and in Figure 30A;

- see also disclosure of information on interview teams, paragraphs [0157] and [0158] and also Figures 62, 63 and 64; see also disclosure of information on questions to evaluate candidates, paragraph [0159] and Figures 65, 66 and 66A);
- c) a server and communication port suitable for transmitting and receiving data from the first database, instructions from the second database or coordinating the communication between interviewers in the form of electrical signals to and from remote computers (see disclosure that the system allows information to be electronically shared and portions of the recruitment process to be handled by different recruiters throughout the world, paragraphs [0009] through [0011]);
  - d) a database management system for creating and revising records of said first database and said second database connected to said electrically readable memory responsive to the remote computers (see paragraphs [0128] through [0130]);
  - e) an interactive database query engine connected to said memory, said query engine configured to permit a plurality of searches and appended searches by a plurality of users, including position owner, position contributor or an interviewer to produce current results that are coordinated and communicated between all users (see paragraphs [0126] and [0127], and also Figure 29; see also disclosure that various information can be shared globally, paragraphs [0009] through [0011]); and
  - f) a process controller connected to said interactive database query engine, said process controller facilitating an intelligent, collaborative and coordinated solution to demand-side job recruiting, wherein said interactive database query engine is a company database containing human resource and hiring records (see disclosure of a method

and system for managing the recruitment process and including a database of human resource information, paragraphs [0103] through [0108]).

20. Regarding claim 10, **Stimac** teaches a computer software system provided to execute hiring practices intelligently as claimed, said system comprising:

- a) a first database of information pertaining to job openings and demand-side needs of a company (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]; see also Figure 30A);
- b) a second database of positions information, interview teams and questions to evaluate candidates by skills, experience and personal profiles (see disclosure of positions information at paragraphs [0127] and [0128] and in Figure 30A; see also disclosure of information on interview teams, paragraphs [0157] and [0158] and also Figures 62, 63 and 64; see also disclosure of information on questions to evaluate candidates, paragraph [0159] and Figures 65, 66 and 66A);
- c) a third database of company records compiled by the human resources department, said third database containing user data records, administration data records, option data records, search data records or tutorial data records (see disclosure of a method and system for managing the recruitment process and including a database of human resource information, paragraphs [0103] through [0108]);
- d) a database management system connected to the software linking it to multiple databases and multiple remote controllers (the claimed database management system being inherent in a system having the wide range and types of data of that taught in the



reference; see disclosure that the system can be used to share data worldwide, thus requiring multiple remote controllers, paragraphs [0009] through [0011]);

- e) an interactive database query engine connected to said database management system configured to permit a plurality of searches and appended searches by a plurality of users, including position owner, position contributor or an interviewer to produce current results that are coordinated and communicated between all users (see paragraphs [0126] and [0127], and also Figure 29; see also disclosure that various information can be shared globally, paragraphs [0009] through [0011]); and
- f) a process controller connected to said database management system to facilitate collaborative and coordinated solution to demand-side process of recruiting (see disclosure of a method and system for managing the recruitment process and including a database of human resource information, paragraphs [0103] through [0108]).

21. Regarding claim 11, **Stimac** teaches a method of hiring personnel intelligently as claimed, said method comprising the steps of:

- a) creating a computer readable file including information pertaining to job openings and needs of a company (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]; see also Figure 30A);
- b) uploading a portion of the computer readable file to a medium accessible via a computer network with information on interview teams, questions to evaluate candidates by skill, experience and personal profiles and instructions for interviewers (see disclosure

- that the system can be used to share data worldwide, paragraphs [0009] through [0011], and that the preferred mechanism for data sharing is the Internet, paragraph [0100]; see also disclosure of positions information at paragraphs [0127] and [0128] and in Figure 30A; see also disclosure of information on interview teams, paragraphs [0157] and [0158] and also Figures 62, 63 and 64; see also disclosure of information on questions to evaluate candidates, paragraph [0159] and Figures 65, 66 and 66A; see disclosure of instructions for interviewers, paragraph [0159] and Figure 67);
- c) searching information in the uploaded portion of the computer readable file for the presence of information corresponding to information requested by a user (see disclosure of different search/retrieval functionality available, paragraphs [0126] and [0138]);
- d) accessing the information requested from relevant database in the network (see disclosure of different search/retrieval functionality available, paragraphs [0126] and [0138]);
- e) assigning tasks, coordinating interview processes and managing interview evaluations from teams (see disclosure of the assigning tasks and coordinating the interview process, paragraphs [0157] through [0159] and Figures 62, 63 and 64; see also managing interview evaluations, paragraph [0160] and Figures 68 and 69); and
- f) permitting the user to send said information via the computer network to another computer readable file located in the same hiring environment, to exchange said information with another user and to facilitate creating a coordinated summary of recommendations for hiring (see disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011]).

22. Regarding claim 3, **Stimac** additionally teaches a computer readable medium further comprising a security means connected to said process controller (see userid/password access control, paragraph [0101]).

23. Regarding claim 4, **Stimac** additionally teaches a computer readable medium wherein the human resources records contain a plurality of search key fields, each of said key fields consisting of a search criteria, data on coordination of interviews, data on preparation of questions, data on feedback from interviewers or data on candidate evaluations (see paragraphs [[0109] through [0111], [0128] through [0135]; see also Figures 62, 63, 64, 68 and 69).

24. Regarding claim 5, **Stimac** additionally teaches a computer readable medium further comprising a database of instructions pertaining to training of users (see disclosure of interview tips which provides a helpful guide to interviewing, paragraph [0159] and Figure 67).

25. Regarding claim 6, **Stimac** additionally teaches a computer readable medium wherein said interactive database query engine includes means for searching key fields of a database for the satisfaction of one or more conditions, and means for reporting and exchanging all variables in said search key fields of records which satisfy said one or more conditions (see disclosure of different search/retrieval functionality available, paragraphs [0126] and [0138]; see also disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011]).

26. Regarding claim 7, **Stimac** additionally teaches a computer readable medium wherein said means for searching key fields of a database include at least one of a customer administration key, an

interview key, a report key, an options key, a search key or a tutorial key (see administration screen in paragraph [0102], and interview in paragraphs [0113] and [0131] through [0134]).

27. Regarding claim 8, **Stimac** additionally teaches a computer readable medium further comprising means for organizing the hiring process by coordinating the exchange of information at every step of the hiring process between different levels of users assigned for the hiring process (see disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011]), wherein the hiring process includes the steps of defining a position (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]; see also Figure 30A), coordinating the interview teams (see disclosure of the assigning tasks and coordinating the interview process, paragraphs [0157] through [0159] and Figures 62, 63 and 64), organizing the interview questions (see disclosure of information on questions to evaluate candidates, paragraph [0159] and Figures 65, 66 and 66A; see also paragraph [0161] and Figure 71), evaluating the candidates (see managing interview evaluations, paragraph [0160] and Figures 68 and 69), and reviewing the candidate evaluations (see managing interview evaluations, paragraph [0160] and Figures 68 and 69).

28. Regarding claim 9, **Stimac** additionally teaches a computer readable medium further comprising means to restrict entries in at least one of said means of searching key fields of a database to a predetermined set of entries (see disclosure of the use of drop-down menus, effectively restricting entries in the search key fields, paragraphs [0103], [0109], [0117], [0128], [0129] and [0161]).

29. Regarding claim 12, **Stimac** additionally teaches a method of hiring personnel intelligently, further comprising the step of updating routinely the information compiled on hiring practices within a hiring environment (see updating, paragraphs [0108], [0127] and [0143]), said steps comprising defining a position (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]; see also Figure 30A), coordinating the interview teams (see disclosure of the assigning tasks and coordinating the interview process, paragraphs [0157] through [0159] and Figures 62, 63 and 64), organizing the interview questions (see disclosure of information on questions to evaluate candidates, paragraph [0159] and Figures 65, 66 and 66A; see also paragraph [0161] and Figure 71), evaluating the candidates (see managing interview evaluations, paragraph [0160] and Figures 68 and 69), and reviewing the candidate evaluations (see managing interview evaluations, paragraph [0160] and Figures 68 and 69).

### *Claim Rejections - 35 USC § 103*

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

32. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

33. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stimac** (U.S. Patent Application Publication 2003/0071852) as applied to claims 1 and 3-12 above, and further in view of **Taylor** (U.S. Patent 5,832,497).

34. Regarding claim 2, **Stimac** teaches a computer readable medium substantially as claimed.

**Stimac** does not explicitly teach a computer readable medium further comprising an accounting system connected to said process controller.

**Taylor**, however, teaches an accounting system connected to said process controller (see col. 2, line 13; see also col. 6, lines 47-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an accounting system, since this would allow the operator of the system to charge a fee for its use (see col. 6, lines 47-57).

### *Response to Arguments*

35. Applicant's arguments filed 10 June 2004 have been fully considered but they are not persuasive.

36. Regarding the Applicants' comments about the claim rejections under 35 U.S.C. § 112, some of the rejections were withdrawn as result of amendments, while others are maintained and some new rejections are made. Detailed descriptions of these rejections are above in the 'Claim Rejections – 35 U.S.C. § 112' section of this Office action.

37. Regarding the Applicants' argument that the *Stimac* reference fails to anticipate the limitations of claim 1, the examiner respectfully responds that after reviewing the rejection of record and adding clarification where necessitated by the amendment to the claim, the reference does indeed anticipate the claimed invention. The Applicants should bear in mind that some of the claim limitations (for instance, that of the process controller facilitating an intelligent, collaborative and coordinated solution to demand-side job recruiting), are so broad as to invite rejection based on nearly any prior art citing a human resources system.

In order to properly assert that the prior art fails to anticipate the claim, the Applicants need to cite specific limitations in the claim language and give specific reasons why the prior art of record

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fails to anticipate the limitation. Mere assertion that the materials disclosed in the claim and the prior art are different and distinct, or that several essential elements of the invention are not present in the cited prior art (without subsequently citing what those specific essential elements are and why they are not taught) is insufficient. See 37 C.F.R. § 111(b).

38. The Applicants' arguments regarding the rejections of claims 3-12 are identical to that applied to claim 1. The comments presented above in response apply equally to those arguments as well.

39. Regarding the Applicants' argument that the combination of the **Stimac** reference and the **Taylor** reference is the result of impermissible hindsight, the examiner respectfully disagrees.

The **Stimac** reference teaches a system for managing the hiring process, including a system for soliciting and collecting resumes from perspective hires. The **Taylor** reference teaches a similar system for exchanging information between job applicants and employers, and including an accounting system to manage fees to be charged to the employers for access to the system.

The rejection of record provides ample motivation for incorporating an accounting system into the system of **Stimac**, said motivation provided by the **Taylor** reference itself.

The examiner further points out that the term 'accounting system' as claimed is not well defined in either the claim or the specification, leaving the examiner free to apply a broad interpretation of the term 'accounting system'.



*Request for Contact*

40. The examiner acknowledges the attorney's request for the examiner to contact the attorney if the application is not in condition for allowance. However, in view of the number of claim rejections under 35 U.S.C. § 112, and the breadth of the independent claims, the examiner feels that there are too many issues to be dealt with effectively through a telephone interview, and that a written Office action will most efficiently advance prosecution of the application.

*PTO Relocation*

41. Applicant(s) should be aware that the examiner is currently scheduled to move to the new Alexandria campus in late October 2004. At that time, the examiner's telephone number will be changed to (571) 272-4119. The new Tech Center 2100 main telephone number will be (571) 272-2100.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Customer Service for Tech Center 2100 can be reached during regular business hours at (703) 306-5631, or fax (703) 746-7240.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Luke S. Wassum  
Art Unit 2167